

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X

JAMES E. FLAHERTY,

Plaintiff,

- against -

JUDGMENT

CV-02-5516 (DRH)(JO)

SOUTHAMPTON TOWN POLICE
DEPARTMENT, TOWN OF
SOUTHAMPTON, SOUTHAMPTON
TOWN JUSTICE COURT, DAVID
GILMARTIN, individually and as
Southampton Town Attorney, DAVID
FALKNER, individually and as Assistant
Southampton Town Attorney, JOHN DOE,
JACK DOE, individually & as Assist. So.
Hampton Town Attnys., whose names
now unknown to plntff., who participated
in effectuating 3/2001, warrant for plntff's.
Arrest in breach of & in gross
contravention of 8/3/02 written agreement
filed in So. Hampton Town Justice Ct.,
BARBARA WILSON, Town Justice,
MARK LNU, Town Justice Court Officer,
SOUTHAMPTON TOWN JUSTICE
COURT CLERK, PAT LNU, Town Justice
Court Officer, COUNTY OF SUFFOLK,
PAT MAHONEY, Suffolk County Sheriff,
ROBERT GAFFNEY, Suffolk County
Executive, SUFFOLK COUNTY
DEPARTMENT OF HEALTH
SERVICES, M.D., M.P.H. CLAIRE B.
BRADLEY Commissioner, Suffolk County
Department of Health Services, THOMAS
O. MAC GILVRAY, Director of Suffolk
County Division of Community Mental
Hygiene Services, M.D. WILLIAM
PACKARD, Suffolk County C.P.L. 730
Examining Psychiatrist, PH.D.
NICHOLAS AIELLO, Suffolk County
CPL 730 Examining Psychologist,
PATRICK HEANEY, individually, and as
Southampton Town Supervisor, DONNA
GIANCONTIERI, individually, and in her
capacity as former Southampton Press
Reporter, and currently, since 1/1/01,
Assistant to Southampton Town Supervisor
Patrick Heaney,

Defendants.

-----X

A Memorandum of Decision and Order of Honorable Denis R. Hurley, having been filed on May 5, 2005, concurring with the Report and Recommendation of Magistrate Judge James Orenstein dated April 4, 2005, and the Supplemental Report and Recommendation of Magistrate Judge James Orenstein dated April 11, 2005 recommending that plaintiffs' action be dismissed for failure to prosecute, it is

ORDERED AND ADJUDGED that plaintiff take nothing of defendants; and that the complaint is hereby dismissed.

Dated: Central Islip, New York
May 9, 2005

ROBERT C. HEINEMANN
CLERK OF THE COURT

By: /s/ Lorraine Sapienza
Deputy Clerk